REMARKS

Claims 1-39 are pending in the application. The status of the application is as follows:

Claims	35 U.S.C. Sec.	References / Notes
1-39	§102(e) Anticipation	• Movalli, et al. (U.S. Publication No. 2005/0004876 A1).

5　　　　Applicant has amended claims 1, 14, 18, 25 and 37, and provided discussion below for distinguishing the present invention from the art cited against it.

Applicant's use of reference characters below is for illustrative purposes only and should not be construed as limiting the invention unless expressly indicated.

35 U.S.C. §102(e), CLAIMS 1-39 ANTICIPATION BY MOVALLI

10　　　*1. The independent claims have been amended to distinguish the present invention over Movalli, namely by indicating that the customer is a remotely located customer from the vendor and thus does not constitute the point of sale system disclosed by Movalli .*

In the OA, on p. 2, the Examiner rejected independent claims 1 and 18 as

15　being anticipated by Movalli, citing the claim elements and identifying Figures 4 and 5 as well as paragraphs 0046-0051 as presumably disclosing all of these elements.

On pp. 10-12, in the Response to Arguments section, under numbered paragraph 38(a), the Examiner stated:

20　　　　　　Movalli teaches among other thing in a credit card transactions, the transaction data 210 and the human identifier 220 would be captured at the *POS* as the

cardholder, for example, signs the credit card receipt.
The unique code processor 230 and formatter 310 would
then generate the single whole representation of secure
endorsed transaction 320 that can be transmitted to the
5   credit card processor where the data is stored for a
predetermined period of time. In this case the **POS** in
the code is capture/transmitted from consumer device the
to POS system for processing. Moreover, there is an
association between the credit card company and the
10   vendor in order for any processing to take place.

Alternatively, the single whole representation of secure
endorsed transaction 320 may be stored at the
merchant's site, removing the dependency a merchant
has on the transaction processor. Because the integrity
15   of the single whole representation of the secure endorsed
transaction 320 is critical to the operation of the system
100, mass storage devices that provide write-once read-
many times capability are particularly appropriate for
storing the single whole representation of the secure
20   endorsed transaction 320 when the underlying
transaction involves the use of a credit card.

Applicant also argue that Movalli does not disclosed of
suggest identifying and executing a transaction. Again,
Examiner respectfully disagrees with applicant
25   characterization of the prior art.

Movalli teach among other things a formatter 610 to
create a single whole representation of the secure
endorsed transaction, the human identifier 220,
transaction data 210, public key 510, and digital
30   signature 550 may be stored individually in a database,
such as a relational database, located, for example, on
the hard disk 160. In this case, the verification process of
FIG. 7 would also not involve the use of the formatter
610. Instead, the human identifier 220, transaction data
35   210, public key 510, and digital signature 550 are
extracted from the database, processed by the unique
code processor 230 to generate the new computed
unique code 720, which would then be compared by the
compare processor 420 with the unique code 710. If the
40   compare processor 420 determines that the codes 710
and 720 match, then the forge-resistant, tamper-resistant
secure endorsed transaction 620 (is original and) was not

tampered with prior to verification. At this time, the secure endorsed transaction 620 can be processed, for example, displayed, faxed, printed, etc. In the credit card example, the tamper-resistant secure endorsed transaction 620 could be printed as a signed credit card receipt for visual inspection and verification by humans.

2. *Movalli does not anticipate claims 1 and 18 because it does not teach or suggest transmitting the transaction code from the customer to an electronic order processing system, but rather discloses transmitting a transaction code from a vendor to the electronic order processing system .*

Claims 1 and 18 have been amended to include the limitation that the customer is remotely located from the vendor (supported in the original disclosure by the use of a wired or wireless electronic device of the customer).

As required by claim 1, the transmitting of the transaction code must be from the customer to an electronic order processing system associated with the vendor. The Examiner has interpreted the entire secure endorsed transaction 320 as the entity that is being transmitted that reads on this claim element. However, the transmission of the transaction code, as required by the independent claims, is done from the customer to an electronic order processing system; but according to the Examiner's own interpretation of Movalli, the transmission of the secure endorsed transaction 320 is done from the _vendor_ to the "order processing system" (which the Examiner is interpreting as the credit card company), not from the _customer_, and therefore does not read on this claimed element.

3. *Movalli does not anticipate claims 1 and 18 because it does not teach or suggest identifying the user based on the contents of the transaction code .*

- 14 -   REQUEST FOR CONTINUED EXAMINATION
AND AMENDMENT C

With regard to the required claim element of identifying the user based upon the contents of the transaction code, the Examiner is silent and does not explain how Movalli teaches this element. Movalli teaches that the transaction data 210 are combined with the unique human identifier 220 to form a unique code 240 based on

5 the transaction (Fig. 2 and paragraph [0046])—the identification of the user is not done by looking at any form of transaction code, but rather is directly supplied to the unique code processor 230 that generates the unique code 240 corresponding to the inputs 210 and 220. Thus, the user is identified by the user input 220, and not by the contents of the transaction code. In the event that this rejection is

10 maintained, the Examiner is asked to specifically identify the elements of Movalli that correspond to a teaching of identifying the user based on the contents of the transaction code.

The Examiner has further failed to indicate how Movalli discloses identifying the commercial transaction associated with the transaction code. It is unclear which

15 element of Movalli the Examiner is equating with the transaction code of the present invention, and Applicant respectfully requests that if this rejection is maintained, the Examiner specifically point out which element of Movalli is being read on the transaction code of the present invention. Applicant presumes that the Examiner is referring to element 620 (secure endorsed transaction) of Movalli, in paragraphs

20 [0069], *et seq.*, as reading on the commercial transaction of the second-to-last element of claim 1, however, with this interpretation, there is no disclosure in Movalli of identifying a commercial transaction associated with the transaction code.

Finally, with respect to the last element of executing the identified commercial

transaction, Applicant has clarified, by amendment, that the execution of the

commercial transaction must be by the vendor. The Examiner explains how the

secure endorsed transaction 620 is created from other elements, but (citing from

5   paragraph [0079] of Movalli) only illustrates that this secured transaction can be

processed, for example, displayed, faxed, printed, etc. However, this does not read

on the claimed element of executing the identified commercial transaction—it only

relates to a formatting of the transaction for user viewing, and furthermore, does not

discuss how any executing of the transaction is performed with the identified

10   commercial transaction associated with the transaction code.

For these reasons, Applicant respectfully asserts that independent claims 1

and 18, and claims depending therefrom (claims 2-13, and claims 19-24) are not

anticipated by Movalli in that Movalli fails to teach each and every element of the

independent claims.

15   *4. Movalli does not anticipate claim 14, as amended, because the*

transaction code *dialed by the customer,* *as required by claim 14 is not taught or*

suggested by a telephone number dialed through the telephone modem.

In the OA, on pp. 12-13, under numbered paragraph 38(b), the Examiner

stated:

20   Applicant argues that the prior art fail to teach a system
             of dialing a transaction code comprises a telephone dial
             sequence onto a telephone network.. .. The telephone
             code disclose in the Applicant invention is interpreted as
             a transaction code comprise of number like a telephone
25   number. One of ordinary skill in the art would recognized

that the transaction code transmitted by the POS to the processing system act like a telephone number dialed through the telephone modem that is taught in Movalli's disclosure. In order for the transaction to be approved,

5   the system has to recognized which merchant is it from in order to properly execute the transaction. Therefore, the system detects the POS identification information which is part of the transaction code transmitted.

Claim 14 has been amended to indicate that the transaction code is dialed by

10   the customer. The Examiner stated that "one of ordinary skill in the art would

recognized [sic] that the transaction code transmitted by the POS to the processing

system act [sic] like a telephone number dialed through the telephone modem that is

taught in Movalli's disclosure." Applicant notes that the transaction code is a code

unique from the telephone number in that it serves to identify the transaction, and

15   not the source or identity of the caller; a particular caller could have any number of

transactions, each identified by a unique code, associated with his telephone

number, and therefore the transaction code, as claimed, is not taught or suggested

by Movalli.

Furthermore, with the claim as amended, it is the customer that dials the

20   transaction code and is recognized, not the vendor. The Examiner states, "In order

for the transaction to be approved, the system has to recognized which merchant is

it from in order to properly execute the transaction." However, the claimed language

focuses on the identity of the customer and not the vendor. Therefore, Movalli fails

to teach or suggest all elements of claim 14, and by virtue of their dependence,

25   claims 15-17.

5. Movalli does not anticipate claim 25, since it fails to teach or suggest any of the claimed elements, and the Examiner has not met the burden of indicating how each and every element the claims is disclosed by Movalli.

In the OA, on p. 7, under numbered paragraph 23, the Examiner stated:

5   As per claim 25, Movalli et al teach a method for the dissemination of information to a mobile electronic user device based upon the device location, for the facilitation of a commercial transaction between a customer and a vendor, the method comprising the steps of: identifying

10   the location of the user device; determining that the location of the user device conforms to a predetermined location criterion for receipt of a message; conveying the message to the user device electronically (*see figs 4, 5, paragraphs 0046-0051*).

15   Applicant fails to see any discussion whatsoever in Movalli related to a location of the user device or a criterion of a predetermined location for receipt of a message, and the Examiner's site to Figures 4 and 5, and paragraphs 0046-0051 fails to provide any specificity for determining how the Examiner is interpreting the disclosure of Movalli as reading on the claimed elements. Therefore, the Examiner

20   has not met the requisite burden of proof for establishing a case that Movalli is an anticipating reference for claim 25. In the event that this rejection is maintained, Applicant respectfully asks that the Examiner indicate, with specificity, where the Movalli teaches identifying the location of the user device, and determining that the location of the user device conforms to a predetermined location criterion for receipt

25   of a message.

Since the remaining claims in the application (26-39) all contain location-related elements, the Examiner is requested to point out with specificity precisely

where these location-related aspects are taught by Movalli, and the specific

language used by Movalli that would teach these location-related aspects, as

opposed to simply using the broad cites lacking any form of description or analysis

so that the Applicant can respond substantively.

5   For these reasons, the Applicant respectfully asserts that the amended claim

language and the above arguments clearly distinguish over the prior art, and

respectfully requests that the Examiner withdraw this §102(e) rejection from the

present application.

CONCLUSION

Inasmuch as each of the rejections have been overcome by the amendments

and arguments presented, and all of the examiner's suggestions and requirements

have been satisfied, it is respectfully requested that the present application be

5   reconsidered, the rejections be withdrawn and that this application be passed to

issue.

Respectfully submitted,

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